

Message Text

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ACTION EB-11

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FM AMEMBASSY BOGOTA

TO USDOC WASHDC

INFO SECSTATE WASHDC 8975

UNCLAS BOGOTA 6760

E.O.11652: N/A

SUBJECT: DIDONATO CLAIM AGAINST CARLOS MARTINEZ

REF: STATE 134406

1. IN ATTEMPT TO ASSIST MR. DIDONATO, COMMERCIAL ATTACHE MET WITH MJEM DIDONATO AT EMBASSY JULY 13, WITH MRS. DIDONATO AT EMB JULY 17, SPOKE WITH MR. DIDONATO SEVERAL TIMES BY TELEPHONE, REQUESTED CONSULAR SECTION TO SEND LETTER TO MAYOR OF MOSQUERA (WHICH WAS DONE) AND FINALLY SPOKE PERSONALLY TO ATTORNEY GENERAL OF COLOMBIA.

2. IN OPINION COMATT, THIS IS NOT RPT NOT QUOTE MAJOR TRADE DISPUTE UNQUOTE, AS MR.DIDONATO MAY HAVE INADVERTENTLY PRESENTED IT TO WASHINGTON BUT A BITTER PERSONAL DISPUTE OVER THE OWNERSHIP OF REAL ESTATE.

3. MR. DIDONATO TOLD COMATT JULY 13 AND AGAIN AUG 8 THAT HE AND HIS LAWYER BELIEVE THEY HAVE LEGAL RECOURSE REGARDING LAND TITLE BUT ARE GETTING NO SATISFACTION FROM LOCAL AUTHOKRITIES IN THE SMALL TOWN OF MOSQUERA TO HALT HARASSMENT, LAND INCURSIONS, AND PHYSICAL THREATS FROM THE NEIGHBOR CLAIMING TITLE TO LAND. ON JULY 30 EMBASSY SENT LETTER TO MAYOR OF MOSQUERA EXPRESSING CONCERN BUT SITUATION DID NOT IMPROVE, ACCORDING MR. DIDONATO. ON AUG 10, COMATT SPOKE ON TELEPHONE TO COLOMBIAN ATTORNEY GENERAL BERNAL PINZON, WHO SEEMED SYPPATHETIC TO MR. DIDONATO'S
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CASE AND PROMISED INVESTIGATION OF MR. DIDONATO'S CHARGES THAT

MOSQUERA AUTHORITIES WERE NOT AFFORDING HIM DUE PROTECTION.

4. IN JUDGEMENT COMATT, HOWEVER, MR. DIDONATO HAS DISPLAYED LIMITED UNDERSTANDING OF WHAT EMBASSY CAN DO IN SITUATION OF THIS SORT,

GIVEN HIS APPARENT DECISION TO REMAIN IN WHAT HE DESCRIBES AS PHYSICAL

DANGER, IN ORDER TO PROTECT HIS PROPERTY. MR. DIDONATO APPARENTLY DOES NOT ENJOY THE GOOD WILL OF LOCAL LAW ENFORCEMENT AUTHORITIES IN MOSQUERA, AND IT IS HIGHLY UNLIKELY THAT SUCH GOOD WILL CAN BE IMPOSED BY COLOMBIANS MORE HIGHLY PLACED. COMATT TOLD MR. DIDONATO AUG 10 THAT IF HE CONTINUES TO FEEL PHYSICALLY THREATENED, HE SHOULD DECIDE WHETHER IT IS IN HIS INTEREST TO REMAIN ON LAND OR, RATHER, TO ABANDON LAND AND HIS SMALL CARNATION BUSINESS TEMPORARILY DURING THE ADJUDICATION OF DISPUTE OVER REAL ESTATE. LATTER ALTERNATIVE MAY NOT BE IDEAL SOLUTION BUT WOULD AT LEAST ENSURE MR. DIDONATO'S PHYSICAL SAFETY, WHICH HE ALLEGES IS PARAMOUNT PRODH

M. IF MR. DIDONATO HAS A GOOD LEGAL CASE, HE COULD REASONABLY EXPECT REDRESS EVENTUALLY THROUGH COLOMBIAN LAW FOR ANY DAMAGES WHICH MIGHT RESULT FROM HIS HAVING TO ABANDON LAND NOW TO ENSURE HIS PHYSICAL SECURITY.

5. IN ANY CASE, COMATT HAS INFORMED MR. DIDONATO THAT COMATT DOES NOT RPT NOT CONSIDER THIS A COMMERCIAL MATTER. RATHER IT IS A QUESTION OF PROTECTION AND WELFARE WITHIN COMPETENCE OF CONSULAR SECTION. CONSULAR SECTION AGREES. BOGOTA 5356 OUTLINED OTHER STEPS TAKEN BY CONSULAR SECTION TO ASSIST MR. DIDONATO.
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